

REMARKS/ARGUMENTS

In the Office action the examiner objected to the amendments made in the last response pursuant to 35 USC 132(a) and claims 18-32 were rejected under 35 USC 112 on the ground there is no support in the written description for a number of claim limitations discussed below. The following points are made with reference to the application and the provisional, which is incorporated therein by reference:

1. The application incorporates by reference (page 1, line 11) the disclosure of provisional application Serial No. 60/170,593, filed on December 13, 1999, a copy of which is enclosed for the examiner's convenience.
2. The term "ranging data" as used in the application is synonymous with "burst profile parameters" (page 2, line 7).
3. The ranging data (burst profile parameters) are received at a CM during initialization (page 22, line 20).
4. The ranging data (burst profile parameters) are stored in and retrieved from RAM 268 (page 22, line 23).
5. The CM can be initialized on more than one channel (page 23, line 25).
6. The CM maintains ranging on two channels (carriers) (Provisional pages 3 and 13).
7. After a CM is ranged on one channel, the CM can be ranged on additional channels ((page 24, line 19) .
8. DOCSIS gives the CM a set of profiles (page 25, line 8).
9. The CM decides which burst profile is required (page 25, line 9).
10. The headend grants short data packets to a carrier having using a narrow channel and long data packets to a carrier having using a wide channel (page 25, line 33).

With reference to the above points, to maintain ranging on two channels (point 6), two sets of parameters are of necessity concurrently stored in RAM 268 (point 4). Similarly, when the CM is ranged on additional channels (point 7), the corresponding parameters are of necessity stored in RAM 268. For these reasons, one of ordinary skill in the art would recognize from the

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written description that applicants have possession of the invention. Therefore, it is submitted that the objection to the amendment filed 3/07/05 as new matter and the rejection of claims 18-32 under 35USC112 should be withdrawn.

The informalities pointed out by the examiner have been corrected.

Claims 18-32 also stand rejected under 35 USC 102 as anticipated by Horton et al patent 6,236,678. Claims 18, 31, and 32 are independent. These claims all require that data packets be transmitted on two carriers/channels. In addition, claims 18 and 31 require concurrently storing two sets of parameters or a memory for concurrently storing wide-band and narrow-band ranging data, and claims 31 and 32 require transmitting long packets over a wide band channel and short packets over a narrow band channel. None of Horton's description, including the portions mentioned by the examiner, disclose or suggest these claim limitations. The conventional way to transmit data between a cable modem and a cable modem termination system is to use a single channel, i.e., a single carrier frequency, for short packets and long packets. This requires a compromise of the band width, which fails to optimize the error rate and data carrying capacity. Accordingly, reconsideration and allowance of claims 18-32 are requested.

Respectfully submitted,
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Enclosure
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